

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

MARY TROUPE, et al.)	
)	
)	
Plaintiffs,)	
)	
v.)	CASE NO. 3:10cv153HTW-LRA
)	
GOVERNOR HALEY BARBOUR, et al.)	
)	
Defendants.)	
)	

**MOTION TO LIFT STAY OF DISCOVERY AND
PROCEED WITH CASE MANAGEMENT CONFERENCE**

The Plaintiffs move this Honorable Court to lift the Order Staying Discovery Pursuant to Local Rule 16(b)(3)(B) entered by this Court on May 27, 2010. (Docket No. 19.) Rule 16(b)(3)(B) of the Uniform Local Rules of the United States District Courts for the Northern and Southern Districts of Mississippi states that the filing of an immunity or jurisdictional defense stays discovery and the attorney conference. However, as explained more fully in the Memorandum of Authorities filed in support of this Motion, the Defendants have not raised legitimate jurisdictional and immunity defenses. The Defendants have instead challenged the merits of the Plaintiffs' claim, which renders a stay on discovery improper in this matter. For the reasons set forth in the attached Memorandum of Authorities, Plaintiffs respectfully request that this Court GRANT this Motion and lift the Order Staying Discovery.

Respectfully submitted, this the 16th day of July 2010,

s/Vanessa Carroll, MBN 102736
VANESSA CARROLL, MBN 102736
SHEILA A. BEDI, MBN 101652
Mississippi Youth Justice Project

A Project of the Southern Poverty Law Center
921 N. President St. Suite B
Jackson, Mississippi 39202
601-948-8882 (phone)
601-948-8885 (fax)

ROBERT B. MCDUFF, MBN 2532
767 North Congress Street
Jackson, Mississippi 39202
601-969-0802 (phone)
601-969-0804 (fax)

IRA BURNIM, D.C. Bar No. 406145*
The Bazelon Center for Mental Health Law
1101 15th St. NW, Suite 1212
Washington, D.C. 20005
202-467-5730 (phone)
202-223-0409 (fax)
**pro hac vice*

CERTIFICATE OF SERVICE

I, Vanessa Carroll, Attorney for the Plaintiffs, hereby certify that on this date I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

Harold Edward Pizzetta, III, hpizz@ago.state.ms.us, fhell@ago.state.ms.us

Shawn Stephen Shurden, SSHUR@ago.state.ms.us

Mary Jo Woods, mwood@ago.state.ms.us, fhell@ago.state.ms.us

Shirim Nothenberg, snothenberg@childrensrights.org,
ddobies@childrensrights.org, jpolanksy@childrensrights.org

THIS the 16th day of July, 2010,

s/Vanessa Carroll
VANESSA CARROLL